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Beatty awaits decision

Appeals court judge: Could fill seat on S.C. Supreme Court

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State Appeals Court Judge Don Beatty on Wednesday faces the biggest verdict of his career.

This time, though, he'll be on the receiving end of the decision.

Beatty, 54, of Spartanburg is one of three Appeals Court judges vying to replace the retiring E.C. Burnett on the state Supreme Court. Also in contention are Chief Judge Kaye Hearn and Bruce Williams, a Wofford College graduate.

The Legislature's vote is scheduled for noon Wednesday.

Beatty received the most votes - nine - from the 10-member Judicial Merit Selection Commission in April when it trimmed the list of candidates from eight to three.

Right-wing attacks

But right-wing groups across the state aren't as enamored with Beatty. They've gone on the attack, picking out a handful of votes from his days as a Democratic state legislator - 1991 to 1995 - to paint him as an ultra-liberal unfit for a seat on the high court.

Conservatives in Action, a Greenville-based organization, has produced a television commercial opposing Beatty's selection - and targeting Republican Reps. Keith Kelly, Lanny Littlejohn and Joe Mahaffey for supporting him. The commercial began running Saturday.

The commercial, which also can be viewed on YouTube.com, highlights Beatty's votes against barring the use of public funds for abortions, against allowing residents to carry concealed weapons and against tax and spending cuts. The spot also says that in a "recent" evaluation, Beatty scored lower than Hearn and Williams, although he has not been evaluated since he was a Circuit Court judge. He served on the Circuit Court bench from 1995 until his election to the Appeals Court in 2003.

Conservatives in Action spokesman Taft Matney said the ad's assertion that the evaluation was "recent" is fair

because "recent is a very subjective term."

Matney said his group singled out Kelly, Littlejohn and Mahaffey because they have been the most vocal in their support for Beatty.

Kelly said he had not seen the ad, but he laughed when he learned why he had been singled out.

"Most vocal? I haven't said a word," Kelly said. "There's nobody that I know of, except the candidate, who knows who I'm voting for."

The Palmetto Family Council's objection to Beatty primarily hinges on a single vote - a 1992 vote against a measure that would have required physicians to offer literature outlining other options to women seeking abortions.

"That's a huge barometer for us," said Oran Smith, the group's executive director. "Only the most extreme liberals in the General Assembly voted against that."

Beatty said a comparison of his judicial decisions to those of the other contenders shows he follows the law. He said he doesn't understand why the groups are singling out a few of his legislative votes in an effort to derail his candidacy.

"It has nothing to do with the law, nor my politics for that matter," Beatty said.

When asked what, then, he thought was the motivation behind the campaigns, Beatty said, "You'll have to ask them."

House Speaker Pro Tem Doug Smith said he was "shocked" at the lengths some of the groups were going to in an effort to keep Beatty off the bench, and called the attacks unprecedented in a judicial race.

Smith expressed surprise that his face didn't appear in the Conservatives in Action ad because he's committed to Beatty.

"It pains me that three of my good friends would be singled out like this," Smith said. "These groups have a right to espouse their positions, but I'm going to defend my friends and their right to make a decision and try to represent the people in their districts."

Smith pointed out that there are Republicans outside of Spartanburg County who also are behind Beatty. Rep. Harry Cato, R-Travelers Rest, for example, has worked with the Black Caucus to build support for Beatty.

"I think this is a lot less about a person's political view than it is about these groups trying to flex their (political) muscles," Smith said. "This group wants Spartanburg to fall on its sword so people who have no vested interest in Don Beatty can have a political victory? That's not right."

Smith said he believes all three candidates are political moderates. More importantly, he said, all three understand the need to base their decisions on a strict interpretation of the law.

"I'm still waiting for someone to show me a single decision where Judge Beatty has deviated from the constitution," he said.

When asked Saturday whether Beatty had made any rulings that concerned his group, Matney said he would have to

look at the group's research to see whether any of his decisions raised a red flag.

Rep. Ralph Davenport was Beatty's seatmate in the House. He said Beatty has been an excellent judge - and he wouldn't expect that to change at the next level.

"He's an extremely competent individual," said Davenport, R-Boiling Springs. "He's sharp and not prejudiced at all. You can tell that by how he's ruled."

Davenport said he's received e-mails from several groups campaigning against Beatty and saying the next justice should be "someone like us. But nobody has explained to me what their definition of a 'somebody-like-us' type person is."

Rep. Scott Talley, R-Spartanburg, said he believes Beatty has been more moderate on the bench than the House votes that have been picked out indicate. But he says Wednesday's decision will be a difficult one.

"I think Don Beatty is a very competent and capable judge," Talley said. "But what I have to weigh in my mind is that my people elected me to put a conservative on the bench when given the opportunity."

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